

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	)	Case No. 12-12020 (MG)
	)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,	)	Chapter 11
	)	
Debtors.	)	Jointly Administered
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**STIPULATION AND ORDER PURSUANT TO 11 U.S.C. § 362(d)  
MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)**

**WHEREAS** Fifth Third Mortgage Company (“Requesting Party”) asserts that it holds a mortgage and security interest on the lands and premises of Dewon and Maria A. Darden with an address of 8818 Scotland Drive, Indianapolis, IN 46231 (the “Mortgaged Property”);

**WHEREAS** the Requesting Party’s review of the relevant land records indicates that GMAC Mortgage, LLC (together with Requesting Party, the “Parties”) one of the above-captioned debtors (the “Debtors”) may hold, or may have previously held, a lien on the Mortgaged Property;

**WHEREAS** the Requesting Party requested (the “Request”) relief from the automatic stay, pursuant to section 362(d) of title 11 of the United States Code (the “Bankruptcy Code”), to commence and/or complete the foreclosure of its interests in the Mortgaged Property;

**WHEREAS** the Debtors, following a review of their records have determined that to the best of their knowledge they no longer hold an interest in the Mortgaged Property;

**WHEREAS** the Debtors have agreed to consent to the Request on the terms and conditions contained in this Stipulation and Order;

**NOW, THEREFOR**, it is hereby stipulated and agreed as between the Parties to this Stipulation and Order, through their undersigned counsel, it is hereby

**ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Request is granted as set forth herein.
2. To the extent applicable, the automatic stay imposed in this case by section 362(a) of the Bankruptcy Code is modified under section 362(d) of the Bankruptcy Code to the extent necessary to allow Requesting Party to commence and/or complete the foreclosure of the mortgage and security interest it holds on the Mortgaged Property.
3. Nothing in this Stipulation and Order shall be deemed to affect in any way the rights of any entity, including the Debtors or The ResCap Liquidating Trust, to contest in any foreclosure proceeding the validity or relative priority of the applicable Requesting Party's mortgage and security interest in the respective Mortgaged Property relative to any other lien on such Mortgaged Property.
4. Nothing in this Stipulation and Order shall be construed to provide for the annulment of or any other retroactive relief from the automatic stay.
5. Requesting Party shall provide due notice to the Debtors<sup>1</sup> in connection with any action to be taken with respect to the Mortgaged Property, including, but not limited to, proceeding with a sale of the Mortgaged Property, in accordance with and to the extent notice to a lienholder is required by applicable state law.
6. This Stipulation and Order may not be modified other than by a signed writing executed by the Parties hereto and by further order of the Court.

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<sup>1</sup> Notices should be served on the Debtors and The ResCap Liquidating Trust, at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808 and 8400 Normandale Lake Boulevard, Bloomington, MN 55437.

7. This Stipulation and Order may be executed in multiple counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

8. Pursuant to Bankruptcy Rule 4001(a)(3), the 14-day stay of this Stipulation and Order imposed by such Bankruptcy Rule is waived. Requesting Party is authorized to implement the provisions of this Stipulation and Order immediately upon its entry.

9. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and interpretation of this Stipulation and Order.

GMAC MORTGAGE, LLC  By: <u>/s/ Norman S. Rosenbaum</u> Norman S. Rosenbaum Erica J. Richards James A. Newton <b>MORRISON &amp; FOERSTER LLP</b> 1290 Avenue of the Americas New York, New York 10104 Telephone: (212) 468-8000 Facsimile: (212) 468-7900  <i>Counsel for the Post-Effective Date Debtors and The ResCap Liquidating Trust</i>	FIFTH THIRD MORTGAGE COMPANY  By: <u>/s/ Randy R. Dow</u> Randy R. Dow <b>MCGLINCHEY STAFFORD PLLC</b> 1 E. Broward Blvd., Suite 1400 Fort Lauderdale, Florida 33301 Telephone: (954) 356-2516 Facsimile: (954) 252-3808  <i>Counsel for Fifth Third Mortgage Company</i>
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**IT IS SO ORDERED**

Dated: September 8, 2014  
New York, New York

/s/Martin Glenn  
MARTIN GLENN  
United States Bankruptcy Judge